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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE ESTATE OF MIGUEL ANTONIO RICHARDS by
SAREKHI SHAMEILA STEPHENS, as Administrator of the
goods, chattels, and credit of the deceased MIGUEL
ANTONIO RICHARDS,

Plaintiff,

-against-

THE CITY OF NEW YORK, Police Officer JESUS RAMOS,
Police Officer MARK FLEMING, Police Officer REDMOND
MURPHY, and Police Officer MARCOS OLIVEROS,
individually and in their official capacities,

Defendants.

1:18-cv-11287-MKV

SCHEDULING ORDER
AND NOTICE OF
POST-DISCOVERY
CONFERENCE

MARY KAY VYSKOCIL, United States District Judge:

The Court received a joint letter from the parties dated October 19, 2020, in which Plaintiff requests that the Court set the deadline for the completion of expert discovery as December 21, 2020, and Defendants request that the Court extend the deadline for submission of a letter regarding any dispositive motion practice to one week from the close of expert discovery [ECF No. 60].

The Court hereby GRANTS both requests. First, all expert discovery shall be completed on or before December 21, 2020. The Court makes clear that in granting Plaintiff's request for this deadline, it is explicitly NOT ruling on the admissibility of expert testimony. Second, the parties' letter concerning proposed dispositive motion practice (described below) is due on or before December 28, 2020.

In addition, the Court directs counsel for all parties to appear at a Post-Discovery Conference on **January 5, 2021, at 10:30 AM**. Details regarding the logistics for the conference (*i.e.*, live versus remote) will be posted as the conference date approaches.

On or before December 28, 2020, the parties shall submit a joint letter regarding the status of the case. The letter should include the following information in separate paragraphs:

- a. a statement of any existing deadlines, due dates, and/or cut-off dates;
- b. a brief description of any outstanding motions;
- c. a brief description of the discovery undertaken and whether either party believes any additional discovery remains to be completed;
- d. a statement describing the status of any settlement discussions and whether the parties would like a settlement conference;
- e. a statement of the anticipated length of trial and whether the case is to be tried to a jury;
- f. a statement of whether any party anticipates filing a motion for summary judgment or a motion to exclude expert testimony (see Individual Practice Rules ¶4(A)(i));
- g. any other issue that the parties would like to address at the conference; and
- h. any other information that the parties believe may assist the Court in advancing the case to settlement or trial.

If either or both of the Parties anticipate filing a motion for summary judgment, that Party's pre-motion letter in anticipation of the motion, accompanied by a Rule 56.1 Statement as required by the Court's Individual Practices, must be filed by December 28, 2020. The non-moving party must submit a response, along with a Rule 56.1 Counter-Statement, by January 3, 2020. If both Parties intend to move for summary judgment, they should coordinate their letters and Rule 56.1 statements to ensure only one complete set is filed (*i.e.*, two letters, one 56.1 statement, and one 56.1 counterstatement). This may require the Parties to simultaneously file the documents on the same day.

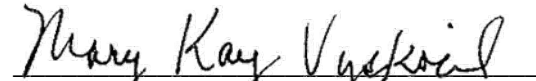
If no summary judgment motion is anticipated, the post-discovery conference will serve as a pre-trial conference. Parties should be prepared to discuss scheduling of trial and all pre-trial matters. Parties are directed to consult the Court's Individual Practice Rules, specifically § 7, and be prepared to discuss logistics for trial preparation and trial.

Any application to modify or extend the dates herein shall be made in a written application in accordance with paragraph 2(G) of the Court's Individual Practice Rules and shall be made no less than three (3) days prior to the expiration of the date sought to be extended. Failure to comply

with this Order and the deadlines set forth herein may result in sanctions, including the preclusion or claims or defenses.

SO ORDERED.

Date: October 21, 2020
New York, NY


MARY KAY VYSKOCIL
United States District Judge